The list goes on and on and on and on. I held a meeting in Fargo, ND, about a year ago to describe how important it is to track sex offenders' movements across State lines. I held a town meeting in Fargo, ND, to talk about the issue of violent sex offenders. This was an outgrowth of the information I had developed as a result of Dru Sjodin's murder.

Before that meeting in Fargo, I checked the registry in North Dakota to find out the names of convicted sex offenders living within walking distance of the place I was going to have a meeting.

One name kind of jumped out to me and I described the case to the people at the meeting: Joseph E. Duncan. I did not know him, I had never previously heard of him. But in 1980 when Joseph Duncan was a 16 year old, he abducted a 14-year-old boy who had been walking in his neighborhood, sexually assaulted the boy twice at gunpoint, pled guilty to rape in the first degree, and was sentenced to 20 years in prison. He was released from prison July 14, 2000, after completing a 20-year sentence. Because he completed his full term, he was released without parole and without probation. He went to live in North Dakota within walking distance of city hall in Fargo.

So I mentioned to the people in Fargo about five cases of people who were convicted sex offenders who lived within walking distance of city hall, just to describe the people who were living in our midst. What I didn't know when I mentioned it that day in Fargo was that 1 month earlier, Joseph E. Duncan had been charged with molesting a 6-year-old boy at a playground just across the river in Detroit Lakes, MN. He appeared in court on April 5, 2005. A county judge set the bail at $15,000 and Duncan was released after paying the cash. A friend apparently posted the cash for him.

The next I heard of this man was July 2. He was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her 9-year-old brother Dylan Groene. The children had been missing since May 16 when the bound and bludgeoned bodies of their mother, older brother, and mother's boyfriend were found at their rural home. This case is another tragic reminder of the urgent need. Duncan has now been charged with abducting and molesting this young girl, three counts of first-degree murder.

These predators, in many cases, are not strangers. We know who they are. They have been in prison. They have violently molested, violently sexually assaulted other people. I am not necessarily suggesting we put them in prison and throw away the key, but I am saying when we know someone is a violent sexual predator and they are about to be released from prison and the psychiatrists tell us they are at high risk for reoffending and recommitting another violent sexual act, then it seems to me the local people ought to be notified to determine whether the State's attorney wishes to recommit them for a civil commitment to protect society at large. And, second, if that person is released, it cannot any longer be ''so long and good luck,'' with nothing much more than a wave. We cannot do that. There must be a high level of monitoring.

Kids are dying. People are being murdered. We have not had a national registry of sex offenders that is complete and that works. We let people out of prison who we know are going to offend again, or at least we know will offend again, and we let these people out of prison with virtually no monitoring at all by the Government.

Again, isn't it interesting, Martha Stewart—and, incidentally, I don't even watch her television show, but she sure got a lot of press for going to prison. Martha Stewart goes to prison, and when she is let out, she is walking around with an electronic ankle bracelet. Yet these people are going to prison and they come out after having been guilty of violent sex offenses, they are judged to be at risk for committing another sexual offense, and they do not wear any electronic bracelet, any electronic monitoring device. It is ''so long, see you later.''

That has to change. That is what Senator HATCH and Senator BIDEN say in their bill. It is what I say in Dru's Law. And it is long past the time for the majority leader to schedule this for a debate in the Senate.

Last October, this Hatch-Biden bill was passed by the Senate Judiciary Committee. This is bipartisan. It has strong support in the Senate. There is no longer any excuse for that not to come to the Senate and to be debated and passed. Will it take the next vicious murder, the next brutal murder of some young child, to understand that violent sexual predators exist and are being let out of prison with little monitoring? I hope not. I hope before we have the next set of headlines the majority leader will decide this represents a priority, a priority far higher than some of the other priorities he has suggested for floor action, and that we can see in the Senate very soon the legislation offered by Senator HATCH and Senator BIDEN.

I commend them for the legislation they have written. I appreciate the fact that title II is Dru's Law. I have worked with them, as have many of my colleagues. They have done this country a great service by putting S. 1086 together. Now the majority leader can do this country a great service by scheduling the Senate's consideration of this bill, after these many months following its favorable reporting from the Senate Judiciary Committee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DENNIS R. SPURGEON TO BE AN ASSISTANT SECRETARY OF ENERGY

Mr. BURNS. Mr. President, I ask unanimous consent that at 5:15, the Senate proceed to executive session and an immediate vote on the confirmation of Executive Calendar No. 575, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy.

Mr. BURNS. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays at this time.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS — 88

Akaka	Dodd	McConnell
Alexander	Dole	Menendez
Allard	Domenici	Murray
Allen	Dorgan	Nelson (NE)
Baucus	Durbin	Obama
Bayh	Ensign	Pryor
Bennett	Enzi	Reed
Bingaman	Feingold	Reid
Bond	Feinstein	Roberts
Boxer	Frist	Salazar
Brownback	Graham	Santorum
Bunning	Grassley	Sarbanes
Burns	Gregg	Schumer
Burr	Hagel	Sessions
Cantwell	Harkin	Shelby
Carper	Hutchison	Smith
Chafee	Isakson	Snowe
Chambliss	Jeffords	Specter
Clinton	Johnson	Stabenow
Coburn	Kennedy	Stevens
Cochran	Kohl	Sununu
Coleman	Kyl	Talent
Collins	Leahy	Thomas
Conrad	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Lugar	Wyden
DeMint	Martinez	
DeWine	McCain	

NOT VOTING — 12

Biden	Inouye	Mikulski
Byrd	Kerry	Murkowski
Hatch	Landrieu	Nelson (FL)
Inhofe	Lautenberg	Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. SPECTER. Mr. President, the Judiciary Committee has just concluded a markup on the immigration bill. For those who may be watching on C–SPAN2, a markup means we take a bill, which was the chairman's mark in this situation, a bill which my staff and I have constructed, taking parts of legislation introduced by Senator MCCAIN and Senator KENNEDY and legislation introduced by Senator KYL and Senator CORNYN, and amalgamated it into one bill with some other provisions which had been suggested by other Senators.

We had hearings on the issue. As is customary, we heard both from the administration and from outside witnesses. We had a series of markups. Then, today, in an unusual Monday session, we convened at 10 o'clock this morning, and had a working quorum present by 10:10. We concluded right at 6 p.m. this afternoon and reported the bill out.

It is a very emotional issue. It is a very contentious issue. The President called for a civil debate, and we reached that objective. We had a very civil debate. It is expected that there will be considerable controversy when the bill reaches the Senate floor. That is to be expected on a matter as charged and as controversial as is this bill. It is my expectation that the Senate will work its will and will enact legislation. Then, under our bicameral system, we will go to work with the House of Representatives, which has a substantially different approach, having passed a bill that is an enforcement bill. Our legislation is comprehensive, including a temporary guest worker program and an approach to deal with the approximately 11 million undocumented workers in the United States.

On the subject of the 11 million undocumented workers, it had been my hope that we would have been able to reach an accommodation between McCain-Kennedy and Kyl-Cornyn.

Last week, and on Saturday and Sunday, the staff was here working full time, late every night. I was in town all of last week, Monday through Thursday, until Friday morning, trying to come up with an accommodation which would deal with the elements of Kyl-Cornyn.

There is obvious concern that we not produce a bill which would be justifiably categorized as amnesty, and I believe we have a bill which is not justifiably categorized as amnesty. We have a provision that people who were among the undocumented aliens will have to pay a fine, will have a criminal background check, will have to be at work for 6 years, and will have to earn their path to citizenship.

The option of having the undocumented aliens return home is a very difficult decision. There is no doubt they have violated the law of the United States by coming in without complying with our immigration procedures. They have come in because there has been a demand for the workers, because people have wanted to give them work. The employers have given them work. But to expect them to come forward and to identify themselves if they know they are going to be sent home is unrealistic.

It is obviously highly undesirable to create a fugitive class in America. We do not want 11 million fugitives, which is what we have at the present time. It could be possible to make arrests and to have deportation orders. But it is unrealistic to say we are going to find the 11 million, and that we are going to have facilities to detain them. If you detain somebody, you have to have a detention facility. You have to have beds. You have to be able to house them until deportation proceedings are concluded, and that takes some time. The approach we have undertaken is to try to have them come forward, and have them come forward in a context where we are not rewarding their illegal conduct.

There are people who have waited outside the country for lawful admittance; in some countries, people have been waiting since 1983. Under the provisions of the bill which we passed out of the committee, the 11 million undocumented workers go to the back of the line. They will have to pay a fine, they will have to undergo a criminal background check, they will have to earn their way by working, and if they are out of work, they are subject to arrest and deportation at that point.

We are open to suggestions, as to any Senators who have ideas. We are not in concrete. If somebody has better ideas, there will be full opportunity to offer amendments on the Senate floor.

Title III, which relates to worksite enforcement, requires Social Security number identification, which we did not report out because that is a matter under the jurisdiction of the Finance Committee, and the Finance Committee rules require any amendments to those laws to be signed by 11 members of the committee, a majority of the committee.

Senator GRASSLEY gave us a report on the status in the Finance Committee. They did not have their work finished, so the Judiciary Committee could not take it up. There is a jurisdictional issue with the Finance Committee asserting jurisdiction and perhaps preferring to offer their amendments on the floor.

We did not take up title VII, which is judicial reform, because there is considerable controversy about the chairman's mark on those provisions.

We have included a modification in appeals to the federal circuit courts after the immigration judge has ruled, after the Board of Immigration Appeals has ruled. We have consolidated those actions in the Federal Circuit. We have heard from a number of judicial officials. We heard from the chief judge of the Federal Circuit that with increased resources, the court can handle the additional cases. But with regard to the changes we proposed in trying to provide more independence for immigration judges and in increasing the number of judges on the Board of Immigration Appeals so there are enough judges to write opinions, to try to cut down on the backlog and the number of appeals to the circuit courts, we ought to find out more.

We are noticing a hearing for next Monday morning where we will have an opportunity to hear from the judges, who have already written us: the chief judge of the Second Circuit, and a judge from the Seventh Circuit. We will hear from the chief judge of the Federal Circuit, and consider further the viewpoints of the Department of Justice and others on the issue of the independence of the immigration